

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

LARRY McDANIEL, et al.,

Defendants

Case No.: 2:17-cr-00110-APG-DJA

**Order Denying Petition for Hearing to
Adjudicate Property**

[ECF Nos. 384, 401]

A jury convicted Larry McDaniel of interstate transportation of stolen property in violation of 18 U.S.C. § 2314 (Counts 9 and 10). ECF Nos. 8; 226; 309. I granted the United States' motion to forfeit McDaniel's interest in real property located at 3189 Pinehurst Dr., Unit B, in Las Vegas (the Pinehurst property). ECF No. 321. In response to my order, Robert Wolfe filed a petition for a hearing "to express interest in the property, to recover the contents of the safe and/or lockbox that was at 24/7 Private Vaults; 3110 E. Sunset Rd. #H; Las Vegas NV 89120." ECF No. 384. The Government moves to dismiss Wolfe's petition for a variety of reasons. ECF No. 401.

Wolfe contends McDaniel stole his cash and valuable items during the robbery at 24/7 Private Vaults in 2012. ECF No. 384. But McDaniel was not convicted of that robbery. His convictions—and the forfeiture of the Pinehurst property—arise from the 2014 burglary at 24/7 Private Vaults. ECF Nos. 8, 226. So Wolfe cannot trace his stolen property to McDaniel's actions or the forfeited property. Wolfe thus lacks Article III standing to maintain his petition. *United States v. BNP Paribas S.A.*, No. 14 CR. 460 (LGS), 2015 WL 1962882, at *3 (S.D.N.Y. Apr. 30, 2015) (petitioner lacked standing because their injury was not "fairly traceable" to the defendant's actions or the forfeited funds). While Wolfe may be able to assert a claim against

1 those responsible for the 2012 robbery, that claim cannot be asserted against McDaniel. I
2 therefore must dismiss Wolfe's petition. I need not address the United States' other grounds for
3 dismissal.

4 I THEREFORE ORDER that the United States' motion to dismiss **(ECF No. 401)** is
5 **granted** and Mr. Wolfe's petition **(ECF No. 384)** is **dismissed**.

6 DATED this 7th day of February, 2024.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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